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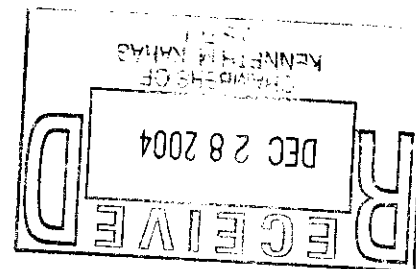
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PAGE 1 OF 2

Via Fax: 212-805-7968

Honorable Kenneth M. Karas  
United States District Judge  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street, Room 920  
New York, New York 10007-1312

Re: *Paul S. Foti, et al. v. NCO Financial Systems, Inc.*  
S.D.N.Y. No. 04 CVF 00707



Dear Judge Karas:

On December 28, 2004, I spoke with your law clerk, Rachel, regarding: a) NCO's interest in attempting to resolve all issues relating to the pre-recorded message; and b) if NCO was unable to resolve the message issues, permission for NCO to file a short supplemental letter brief relating to the *J.J. MacIntyre* and *Fava* cases.

After my discussion with Rachel, I called opposing counsel, Michael and Yitzchak Cohen. Neither were in and I left detailed voicemails.

Based upon my client's instructions, NCO requests that while NCO is attempting to resolve the pre-recorded message issues, that the Court hold-off issuing any SJM decision. Should settlement be unsuccessful, then NCO would provide immediate notice to the Court. At that point, NCO would submit a short supplemental letter relating to the *Fava* and *J.J. MacIntyre* cases.

Thanking you for your consideration of these requests, I remain,

The parties have until January 7, 2005 to inform  
the Court of any resolution of the issues relating  
to the pre-recorded message.

SO ORDERED

DI:sd

KENNETH M. KARAS U.S.D.J.

12/30/04

Very truly yours,

David Israel

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